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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,482	08/29/2000	Eric K. Steen	35588/WWM/K163	8579
23363	7590	12/14/2006	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			COLBERT, ELLA	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	
			3694	

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/650,482

Applicant(s)

STEEN ET AL.

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-27 are pending. Claims 1, 5, 14, and 16-27 have been amended in this communication filed 9/25/06 entered as Response After Non-Final Action, New or Additional Drawings, and Extension of Time.
2. The newly submitted drawings filed 09/25/06 have been reviewed and entered.
3. The claim objections for claims 1, 5, and 16 have been overcome by Applicants' amendment and is hereby withdrawn.
4. The objections to the Specification have been overcome by Applicants' amended specification.
5. The Title Objection has been overcome by Applicants' amendment to the Title and is hereby withdrawn.
6. Claims 1, 14, and 16-27 rejected under 35 USC 112 Second paragraph have been amended and overcome the rejection and the rejection is hereby withdrawn. However, there still remain some 35 USC 112 second paragraph rejections in the claims as set forth here below.

#### ***Claim Rejections - 35 USC § 112***

7. Claims 1, 14, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: After limitation one there is a gap between the claim limitations. Another limitation is needed after "the at least one pharmacy client is configured to accept and process orders for medications", "the service center client system" and the "pharmacy network configured with a global

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database ...". Suggestions: a pharmacy client system to accept and process orders for medications and the pharmacy network including in the global database the plurality of formulary records; ..., ... (another limitation is needed here) with the limitation including the "at least one of the orders for medication is processed upon request "by the pharmacy network" or "by the pharmacy server" or by the at least one pharmacy client system". Any of these "by" can be inserted after "request" in the claim limitation.

Claims 14 and 16 have similar problems with there being a disconnect between claim limitations.

Claims 2-13, 15, and 17-27 are also rejected because of their dependency from a rejected base claim.

Suggestion: add claim limitations to the independent claims including "changes to amounts of caloric content, amounts and preferences of electrolytes, the medication specific label for an intravenous solution, etc. The claim limitations from claims 8, 9, 11-13, 17-20, and 22-27. This should add claim limitations to all of the independent claims to assist in placing the application in condition for allowance.

However, an extensive updated search will be performed and if there is no prior art found to reject the claim and there are not any remaining claim issues, the application will be passed to issue.

### **Inquiries**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741.

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The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 7, 2006

  
ELLA COLBERT  
PRIMARY EXAMINER